

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

CIVIL NO. 5:98CV29

REGINALD B. BALLARD, and wife NANCY C. BALLARD, )	
EUGENE BEAVER, and wife NITA S. BEAVER, )	
MICHAEL E. BILYEU, and wife JOEANN G. BILYEU, )	
BRIAN D. BOST, )	
EUGENE H. BROOKS, and wife JACQUELINE BROOKS, )	
BETTY BROWN, Individually and as Executrix )	
Of the Estate of EVERETT C. BROWN, Deceased, )	
ERNEST B. BURTON, and wife E. INEZ BURTON, )	
CAROLYN JEAN BYNUM, Individually and Representative )	
Of the Estate of STEVE WILSON BYNUM, Deceased, )	
JAMES D. COMER and wife JANE B. COMER, )	
CHARLES L. CRISP and wife LINDA S. CRISP, )	
HAROLD D. DALTON, SR., )	
DAVID L. EARLS, and wife DEBORAH P. EARLS, )	
OLLEN J. FARRIS, and wife LINDA J. FARRIS, )	
ARNOLD R. FLOYD and wife RUBY T. FLOYD, )	
JAMES D. GILLESPIE and wife WILLA W. GILLESPIE, )	SUDDRETH
MADGE L. HENSLEY and husband CHARLES HENSLEY, )	LEAD
STEVEN S. HOLLARS, Executrix of the Estate of )	
JACK F. HOLLARS, Deceased, and )	
ARTHURENE S. HOLLARS, )	
DONALD C. HOLLIS, )	
CHARLES R. HORD and wife BEVERLY P. HORD, )	
JACK B. HUGHES and wife SARAH ESTHER HUGHES, )	
ARCHIE HUMPHRIES, JR. and wife MARGARET )	
HUMPHRIES, )	
BARBARA R. HUMPHRIES, Executrix of the Estate )	
of BUDDY R. HUMPHRIES, Deceased )	
LARRY K. HUMPHRIES and wife THERESA N. )	
HUMPHRIES, )	
WILLIAM E. JACOBS and wife EDITH H. JACOBS )	
BILLY BROWN JARRETT and wife EVA MAE JARRETT, )	
JAMES A. KISNER and wife BRENDA G. KISNER; )	
ZENO B. LANCASTER and wife KATHERINE LANCASTER)	
SAM L. LYNN, )	
CLYDE R. MCKNIGHT, and wife MADELYN G. MCKNIGHT)	
WALTER H. MABE, JR., and wife KATHY L. MABE, )	
LEON B. MAUNHEY and wife EUNICE W. MAUNHEY, )	
KENNETH H. MOREE, and wife LYNN D. MOREE, )	
MALVI R. MULLIS, Individually and as Executrix )	
Of the Estate of JAMES PARKS MULLIS, Deceased )	
MARY ALRIDGE SCRUGGS, Individually and as )	
Executrix of the Estate of JOE SCRUGGS, Deceased, )	

<b>CORRINE F. SMITH, and husband JERRY L. SMITH</b>	)	)
<b>JACKSON J. SMITH and wife CAROLYN S. SMITH,</b>	)	
<b>DAVID STEELE, Executor of the Estate of</b>	)	
<b>ERBIE L. STEELE, Deceased, and MARIE STEELE</b>	)	
<b>LOYD L. SUTTON and wife MARGARET H. SUTTON</b>	)	
<b>WILLIAM C. THOMAS,</b>	)	
<b>CECIL B. THOMPSON, Deceased and wife MARGIE</b>	)	
<b>THOMPSON,</b>	)	
<b>WALTER D. THOMPSON,</b>	)	
<b>CAROLYN WAGNER, Individually and as Executrix of</b>	)	
<b>the Estate of KENNETH L. WAGNER, Deceased</b>	)	
<b>JANE R. WALSER, Individually and as Executrix of the</b>	)	
<b>Estate of WILFORD D. WALSER, Deceased</b>	)	
<b>SARAH B. WALTERS, Individually and as Representative</b>	)	
<b>Of the Estate of JAMES BROWN WALTERS, Deceased,</b>	)	
<b>Plaintiffs</b>	)	)
<b>v.</b>	)	
	)	
	)	
<b>ACandS Inc. <i>et al</i>,</b>	)	
<b>Defendants.</b>	)	

**Civil  
No.  
5:98cv00029**

### **ORDER OF DISMISSAL**

**THIS MATTER** is before the Court upon motion by Plaintiffs, Reginald B. Ballard and wife Nancy C. Ballard; Eugene Beaver and wife Nita S. Beaver; Michael E. Bilyeu and wife Joeann G. Bilyeu; Brian D. Bost; Eugene H. Brooks and wife Jacqueline Brooks; Betty Brown, Individually and as Executrix of the Estate of Everett C. Brown, Deceased; Ernest B. Burton and wife E. Inez Burton; Carolyn Jean Bynum, Individually and Representative of the Estate of Steve Wilson Bynum, deceased; James D. Comer and wife Jane B. Comer; Charles L. Crisp and wife Linda S. Crisp; Harold D. Dalton, Sr.; David L. Earls and wife Deborah P. Earls; Ollen J. Farris and wife Linda J. Farris; Arnold R. Floyd and wife Ruby T. Floyd; James D. Gillespie and wife Willa W. Gillespie; Madge L. Hensley and husband Charles Hensley; Steven S. Hollars, Executor of the Estate of Jack F. Hollars, deceased and Arthurene S. Hollars; Donald C.

Hollis; Charles R. Hord and wife Beverly P. Hord; Jack B. Hughes and wife Sarah Esther Hughes; Archie Humphries, Jr. and wife Margaret Humphries; Barbara R. Humphries, Individually and as Executrix of the Estate of Buddy R. Humphries, Deceased; Larry K. Humphries and wife Theresa N. Humphries; William E. Jacobs and wife Edith H. Jacobs; Billy Brown Jarrett and wife Eva Mae Jarrett; Zeno B. Lancaster and wife Katherine Lancaster; Sam L. Lynn; Walter H. Mabe, Jr., and wife Kathy L. Mabe; Leon B. Mauney and wife Eunice W. Mauney, Kenneth H. Moree and wife Lynn D. Moree; Mavis R. Mullis, Individually and as Executrix of the Estate of James Parks Mullis, deceased; Mary Aldridge Scruggs, Individually and as Executrix of the Estate of Joe Scruggs, deceased; Corrine F. Smith, and husband Jerry L. Smith; Jackson J. Smith and wife Carolyn S. Smith; David Steele, Executor of the Estate of Erbie L. Steele, deceased and Marie Steele; Loyd L. Sutton and wife Margaret H. Sutton; William C. Thomas; Cecil B. Thompson, Deceased and wife Margie Thompson; Walter D. Thompson; Carolyn Wagner, Individually and as Executrix of the Estate of Kenneth L. Wagner, Deceased; Jane R. Walser, Individually and as Executrix of the Estate of Wilford D. Walser, deceased; and Sarah B. Walters, Individually and as Representative of the Estate of James Brown Walters, deceased, to dismiss Defendant CBS Corporation, a Delaware corporation, f/k/a Viacom, Inc., successor by merger to CBS Corporation, a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, with prejudice.

It appears that grounds exist to permit Plaintiffs to do so,

**IT IS, THEREFORE, ORDERED** that the Plaintiffs' motion to dismiss this action against CBS / Westinghouse with prejudice is hereby **GRANTED**.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the action of Plaintiffs, Reginald B. Ballard and wife Nancy C. Ballard, Eugene Beaver and wife Nita S. Beaver; Michael E. Bilyeu and wife Joeann G. Bilyeu; Brian D. Bost; Eugene H. Brooks and wife

Jacqueline Brooks, Betty Brown, Individually and as Executrix of the Estate of Everett C. Brown, Deceased; Ernest B. Burton and wife E. Inez Burton; Carolyn Jean Bynum, Individually and Representative of the Estate of Steve Wilson Bynum, deceased, James D. Comer and wife Jane B. Comer, Charles L. Crisp and wife Linda S. Crisp, Harold D. Dalton, Sr., David L. Earls and wife Deborah P. Earls, Ollen J. Farris and wife Linda J. Farris; Arnold R. Floyd and wife Ruby T. Floyd, James D. Gillespie and wife Willa W. Gillespie; Madge L. Hensley and husband Charles Hensley, Steven S. Hollars, Executor of the Estate of Jack F. Hollars, deceased and Arthurene S. Hollars, Donald C. Hollis, Charles R. Hord and wife Beverly P. Hord, Jack B. Hughes and wife Sarah Esther Hughes, Archie Humphries, Jr. and wife Margaret Humphries; Barbara R. Humphries, Individually and as Executrix of the Estate of Buddy R. Humphries, Deceased; Larry K. Humphries and wife Theresa N. Humphries, William E. Jacobs and wife Edith H. Jacobs, Billy Brown Jarrett and wife Eva Mae Jarrett; Zeno B. Lancaster and wife Katherine Lancaster, Sam L. Lynn; Walter H. Mabe, Jr., and wife Kathy L. Mabe; Kenneth H. Moree and wife Lynn D. Moree; Mavis R. Mullis, Individually and as Executrix of the Estate of James Parks Mullis, deceased; Mary Aldridge Scruggs, Individually and as Executrix of the Estate of Joe Scruggs, deceased, Corrine F. Smith, and husband Jerry L. Smith; Jackson J. Smith and wife Carolyn S. Smith, David Steele, Executor of the Estate of Erbie L. Steele, deceased and Marie Steele, Loyd L. Sutton and wife Margaret H. Sutton, William C. Thomas, Cecil B. Thompson, Deceased and wife Margie Thompson, Walter D. Thompson, Carolyn Wagner, Individually and as Executrix of the Estate of Kenneth L. Wagner, Deceased; Jane R. Walser, Individually and as Executrix of the Estate of Wilford D. Walser, deceased, and Sarah B. Walters, Individually and as Representative of the Estate of James Brown Walters, deceased; against Defendant CBS Corporation, a Delaware corporation, f/k/a Viacom, Inc., successor by merger to CBS Corporation, a

Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, is hereby  
**DISMISSED WITH PREJUDICE.**

Signed: January 17, 2007



Lacy H. Thornburg  
United States District Judge

